## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION

CASE NO. 5:15-CR-00015-RLV-DCK-3

UNITED STATES,	)	
	)	
	)	
v.	)	
	)	<u>ORDER</u>
	)	
DAVID LYNN BROWNING,	)	
	)	
	)	
	)	

On January 12, 2017, Defendant David Lynn Browning appeared before this Court for sentencing. At his sentencing hearing, Defendant expressed dissatisfaction with his counsel's availability and communication subsequent to his December 18, 2015, plea hearing before Magistrate Judge David S. Cayer. Rather than proceeding with sentencing, the Court opted to take Defendant's concerns under advisement. Cognizant of an issue raised when Defendant testified at the trial of a co-defendant suggestive of a possible lack communication between Defendant and his counsel and noting that counsel did not file a sentencing memorandum on Defendant's behalf, the Court orders an Inquiry into Status of Counsel Hearing. *See United States v. Smith*, 640 F.3d 580, 588 (4th Cir. 2011) (discussing factors governing substitution of appointed counsel and the degree of breakdown in communication required to warrant substitution). The hearing is scheduled for January 19, 2017, at 10:00 AM before Magistrate Judge David C. Keesler in Courtroom 1-3.

Signed: January 13, 2017

Richard L. Voorhees United States District Judge